

VYONDA JEAN LOWE, *Individually
and as the Administrator of the Estate
of Robert Eugene Lowe and on behalf of
all Wrongful Death Beneficiaries of Robert
Eugene Lowe, Deceased*

TYLER COUNTY, TEXAS; DAVID HENNIGAN, in his Official Capacity as the Sheriff of Tyler County, Texas; **JEFFREY MASHAW**, in his Official Capacity as a Deputy Sheriff of Tyler, County, Texas; **BRYAN WEATHERFORD**, in his Official Capacity as Justice of the Peace, Precinct 1, Tyler County, Texas; **AND HOUSTON SPCA**

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**ORDER ADOPTING REPORT AND RECOMMENDATION OF
UNITED STATES MAGISTRATE JUDGE**

On September 10, 2012, the Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for pretrial management. (Doc. No. 27.) The Court has received and considered the report of the magistrate judge (Doc. No. 30), who recommends that the Court grant the “County Defendants’ Motion for Summary Judgment” (Doc. No. 21) and grant in part the “Houston SPCA’s Motion for Summary Judgment” (Doc. No. 25). No objections have been filed to the magistrate judge’s report and recommendation, and the time for doing so has passed. It is, therefore,

ORDERED that the magistrate judge’s report and recommendation (Doc. No. 30) is **ADOPTED**; the “County Defendants’ Motion for Summary Judgment” (Doc. No. 21) is **GRANTED**; the “Houston SPCA’s Motion for Summary Judgment” (Doc. No. 25) is

GRANTED IN PART; the Plaintiff's claims under 42 U.S.C. § 1983 are **DISMISSED WITH PREJUDICE**; and the Plaintiff's claims under state law are **DISMISSED WITHOUT PREJUDICE**.

SIGNED this the **25** day of **February, 2013**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge